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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,825	12/10/2003	Jose I. Villarreal		6790

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EXAMINER

SEMBER, THOMAS M

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,825

Applicant(s)

VILLARREAL ET AL.

Examiner

Thomas M. Sember

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/10/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 5 claims an opaque lens but there is no support of a opaque lens in the specification.

Claim Objections

Claims 5 and 7 are objected to because of the following informalities:

Claim 5 claims that the lens is opaque which contradicts applicant's purpose of displaying an image. The applicant does disclose that the LCD can be opaque but there is no teaching or suggestion to make the lens opaque. Appropriate correction is required.

Claim 7, lines 1-2 "said plurality of buttons" lacks a positive antecedent basis.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show to show the LCD 12, cavity 22, circuitry and printed circuit board as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the

sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

2. Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,715,911 in view of Henoch.

Claims 1-14 of U.S. Patent No. 6,715,911 discloses the claimed invention except for the teaching that Liquid crystal includes an LED . Claims 1-14 of U.S. Patent No. 6,715,911 discloses a casing having a base and a periphery upwardly extending from the base forming an interior cavity, a lens mated to said casing; circuitry disposed

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within said casing and electrically sending signals to the LCD; and an image mounted between said lens and said circuitry.

Henoch teaches an LED 44 for an article locator. The LED is activated by circuitry electrically sending signals to the LED. It would have been obvious to one skilled in the art at the time the invention was made to modify the LCD of claims 1-14 of U.S. Patent No. 6,715,911 to include an LED in order to efficiently illuminate the LCD image upon activation of a signal to the LED as taught by Henoch.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blotky et al in view of Henoch. Blotky et al discloses the claimed invention except for the teaching that Liquid crystal includes an LED. Blotky discloses a casing 12 having a base and a periphery upwardly extending from the base forming an interior cavity, a lens 18 mated to said casing; circuitry disposed 30 within said casing and electrically sending signals to the LCD; and an image (see column 2, lines 50-55) mounted between said lens and said circuitry. Regarding claim 5, the microprocessor

receives signals. Regarding 8, jewelry device sends a signal to at least one companion device. Regarding claim 9, the image can receive various data. Regarding claim 10, the jewelry device is coupled to a jewelry attachment selected from a group consisting of a necklace loop, a ring, a wrist band, an earring fastener and a pen adornment. (see column 1, lines 1-30).

Henoch teaches an LED 44 for an article locator. The LED is activated by circuitry electrically sending signals to the LED. It would have been obvious to one skilled in the art at the time the invention was made to modify the LCD of Blotky et al to include an LED in order to efficiently illuminate the LCD image upon activation of a signal to the LED as taught by Henoch.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blotky et al in view of Henoch as applied in claims 1, 5 and 8-10 further in view of Watanabe. Blotky et al in view of Henoch as applied in claims 1, 5 and 8-10 discloses the claimed invention except the teaching of a metal watch case. Watanabe teaches a metal watch case 110. It would have been obvious to one skilled in the art at the time the invention

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was made to substitute the metal housing of Watanabe for the housing of Blotky et al in order to provide a more aesthetically pleasing watch.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blotky et al in view of Henoch as applied in claims 1, 5 and 8-10 further in view of Hornsby et al. Blotky et al in view of Henoch as applied in claim 1, 5 and 8-10 discloses the claimed invention except the teaching of the lens being a magnifying piece of glass, a mirror cover or a scratch-resistant material. Hornsby et al teaches a scratch resistant lens 32. It would have been obvious to one skilled in the art at the time the invention was made to substitute the scratch resistant lens of Hornsby et al for the lens of Blotky et al in order to prevent the lens from damage.


Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurosu et al , Lys et al '868 and '954 discloses illumination devices similar to applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M Sember
Primary Examiner
Art Unit 2875
